

From: John Schaap <jschaap@ppeng.com>
To: "NPDES_CAFO@rb5s.swrcb.ca.gov" <NPDES_CAFO@rb5s.swrcb.ca.gov>
Date: Fri, Nov 5, 2004 5:01 PM
Subject: Our comments are attached

<<NPDEScomments.pdf>>

Sincerely,
John Schaap, P.E.
Valley Management Systems, a division of
Provost & Pritchard Engineering Group, Inc.
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CC: Donald Ikemiya <dikemiya@ppeng.com>

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VALLEY MANAGEMENT SYSTEMS

A Division of Provost & Pritchard Engineering Group, Inc.

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 Phone: (559) 636-1166; Fax: (559) 636-1177


November 5, 2004

 Polly Lowry
 Regional Water Quality Control Board, Central Valley Region
 11020 Sun Center Drive #200
 Rancho Cordova, CA 95670

 Subject: Administrative Draft NPDES Permit & WDRs for Cow Dairies -
 Comments

Dear Ms. Lowry:

On behalf of our current and past dairy clients we are submitting to you comments on the Draft Dairy Permit. We have attempted to keep our comments clear and concise.

We have thoroughly reviewed all documents and determined approximate staff hours for each requirement. It is our conclusion that the due dates are unrealistic and must be lengthened. The lack of availability of qualified professionals to meet these requirements for the estimated 1,000 dairies must be considered. Each dairy will be unique but in general terms our staff hour estimates are to be considered minimums.

Requirement	Estimated Professional Hours Per Dairy	Total Hours	Notes
Waste Management Plan	120	120,000	
Nutrient Management Plan	100	100,000	
Monitoring & Reporting Program	80/year	80,000	Testing Costs
Storm Water Monitoring	10	10,000	Assumes no discharge
Monitoring Well Installation Plan	90	45,000	500 dairies estimate
Monitoring Well Installation Completion Report	70	35,000	Installation Costs
Total	470 hours	390,000	

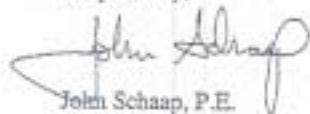
 Approximately 200 qualified full time professionals would be needed to do the work. A very rough estimated cost per dairy would be around \$60,000 (including GW monitoring wells and 1st year testing). This cost would not include additional engineering or construction for recommended physical improvements to each dairy.

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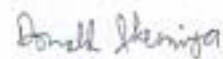
11/5/04

We appreciate the opportunity to provide comments and please feel free to give us a call if you have any questions.

Respectfully,



John Schaap, P.E.



Donald Ikemiya, P.E.

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CRWQCB - DRAFT NPDES DAIRY PERMIT

STANDARD PROVISIONS

- B.21.** *Prior to removal of solids from any lined pond used for wastewater, a qualified professional shall provide written procedures intended to ensure that the pond liner is not damaged when the solids are removed.*

Comment: This condition is excessive. A training program for the discharger (operator or other such person intimately involved with solids removal) designed to ensure integrity of the liner is a feasible alternative for this condition.

- C.1.** *The Discharger shall give advance notice to the Regional Board of any planned changes in the ownership of the facility, or of any planned changes in the waste management activities at the facility that may result in noncompliance with the Order.*

Comment: Therefore, changes in the waste management activities that will not result in noncompliance (e.g. improvements in nutrient management resulting in reduced nutrients discharged) will not need to notify the RWQCB.

- D.5.** *This five year period may be extended during the course of any unresolved litigation regarding the discharge or when requested in writing by the Regional Board Executive Officer.*

GENERAL PERMIT & ORDER

Reasons for Permit

- 5.** *There are approximately 1,000 milk cow dairies within the Central Valley Region that are of sufficient size that they are required to seek coverage under an NPDES Permit. Each CAFO represents a significant source of waste discharge with a potential to affect the quality of the waters of the state.*

Comment: A breakdown by the number of dairies for each mature cow number range is needed to gauge the magnitude of the requirements and their respective due dates.

- A.8.** *The application of process wastewater to a land application area during and up to 24 hours after a storm event is prohibited.*

Question: Is a storm event defined as 10-year, 24-hour rainfall event or greater? Is measurable rain considered a storm event regardless of amount?

Comment: Small rainfall amounts should not restrict land applications for 24 hours. Clarification is needed.

- B.7.c.** *Manure solids, dead algae, vegetation, and debris shall not accumulate on the water surface.*

Comment: Storage pond limitation only; solids removal basins are acceptable.

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CRWQCB - DRAFT NPDES DAIRY PERMIT

- F.12. The Discharger shall take all reasonable steps to minimize or prevent any discharge that has a reasonable likelihood to adversely affect human health or the environment.

Comment: Vague provision open to broad and conflicting interpretation, recommend deleting.

- F.16. The Discharger must comply with all conditions of this Order, including timely submittal of technical and monitoring reports as directed by the Executive Officer. Accordingly, the Discharger shall submit to the Regional Board on or before each report due date the specified document or, if an action is specified, a written report detailing evidence of compliance with the date and task. If noncompliance is being reported, the reasons for such noncompliance shall be stated, plus an estimate of the date when the Discharger will be in compliance. The Discharger shall notify the Regional Board by letter when it returns to compliance with the time schedule. Violations may result in enforcement action, including Regional Board or court orders requiring corrective action or imposing civil monetary liability, or in terminating the applicability of this Order to a specific facility or Discharger.

Comment: Timely comments or an acceptance letter (within 30 days of Regional Board receipt) should be required from the Regional Board for each report. After 30 days without a comment or response letter, the reports should be automatically deemed complete and acceptable.

- L.1. To enroll under this Order, the owner or operator shall submit an NOI (Report of Waste Discharge Notice of Intent) ...

- K.1. Dischargers who receive coverage under this Order are required to submit the following reports and plans according to the schedule in the table below [time period begins on effective date of this Order]:

Comment: There needs to be a correlation between the number of experienced professionals, their availability and the number of plans and reports due. We are requesting that the Regional Board review specific numbers of CAFOs per category to modify due dates. Suggested due dates are changed below:

PLAN/REPORT	DUE DATES ¹		
	CAFO SIZE		
	• 2,000+ mature dairy cows	• 1,500 to 2,999 mature dairy cows	• 700 to 1,499 mature dairy cows
WMP	18 months	24 months	36 months
NMP ²	31 December 2006	31 December 2006	31 December 2006

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CRWQCS - DRAFT NPDES DAIRY PERMIT

WMP Certification	36 months	60 months	72 months
Storm Water Monitoring Assessment ³	36 months	36 months	36 months

¹ Except where otherwise noted, all due dates are the date the report must be received by the Regional Board.

² The NMP must be developed and implemented by the submittal date. Initially, the NMP must be submitted to the Executive Officer. A copy of the most recent NMP shall be kept on site and submitted to the Executive Officer upon request. Comment: May need seasonal data from test samples. Implementation will take time. NRCS is using a three year time period to implement CNMPs.

³ The Storm Water Monitoring Assessment is described in MRP No. ____.

- K.2.** Dischargers (as identified in the Fact Sheet) required to conduct groundwater monitoring shall submit a Monitoring Well Installation Plan (MWIP) and a Monitoring Well Installation Completion Report (MWICR) as required in MRP No. ____, according to the schedule in the table below [time period begins on effective date of this Order].

Comment: Proper preparation of a MWIP often requires information and data collected from the WMP and NMP. Recommended due dates are modified below. The Regional Board should add in writing to this permit, their acceptance for sharing of monitoring wells by multiple dairies to reduce redundancy and to provide a regional approach. What were the criteria used to determine the CAF0 size category and what was the basis for the 1,300 cows? Should that have been higher?

PLAN/REPORT	DUE DATES			
	CAF0 Size			
	• 3,000+ mature dairy cows	• 2,250 to 2,999 mature dairy cows	• 1,500 to 2,249 mature dairy cows	• 1,300 to 1,499 mature dairy cows
MWIP	18 months	24 months	36 months	48 months
MWICR	36 months	42 months	54 months	66 months

ATTACHMENT A - NOTICE OF INTENT

Comment: 45 days is an extremely short deadline. It will be difficult if not impossible for 1,000 dairies to apply for an NOI or RWD, much less an engineering firm being able to complete a RWD within this timeframe. Recommend extending the deadline to 120 days.

Additional Facility Information**A. Chemical Use**

Comment: Entire request difficult to quantify. Recommend deleting from NOI.

D. Topographic Site Map

6081-0804 NPDES Comments 11-5-04.doc

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CRWOCB - DRAFT NPDES DAIRY PERMIT

PROVIDE A TOPOGRAPHIC MAP OF THE FACILITY INCLUDING: FACILITY PROPERTY BOUNDARIES; SURFACE WATER DRAINAGE COURSES; DRAINAGE DITCHES; LOCATIONS OF ALL MONITORING, DOMESTIC, AND IRRIGATION WELLS; WASTEWATER RETENTION PONDS; MILKING PARLOR; ANIMAL HOUSING; CORRALS; CROPLAND; MANURE AND FEED STORAGE AREAS; AND STORM WATER DISCHARGE LOCATIONS.

Comment: Is every dairy going to need to be surveyed to create a topo map with contours? That would be expensive and excessive for the purposes of a Site Map. For purposes of the NOI (due in 45 days) a simple land use map and site plan should suffice.

Nutrient Management Plan

Comment: Also include NMP acceptance if prepared by a California Registered Agricultural Engineer.

ATTACHMENT B - TITLE 40 CFR PARTS 122 AND 412**122.21(a)(1)(i)(iv) Topographic Map**

Comment: Requiring a topographic map for every dairy would be expensive and excessive for the purposes of a Site Map. A simple land use map and site plan should suffice.

412.4(c)(5) Setback Requirements.

Comment: We're in an arid environment and our lands are relatively flat. This should not be universally required for our conditions. Will we have to maintain a 100 ft setback from irrigation district canals?

412.37(a)(1) Visual Inspections

Comment: All requirements are excessive in frequency change all to "periodic inspections."

ATTACHMENT C - Waste Management Plan

Include prepared and certified by an agricultural engineer.

1.e.i. Site Map

Comment: Would an overlay of a USGS Topographic Quad Map suffice? Field topographic survey is excessive for the purposes of a Site Map.

1.e.iii. Facilities

Comment: The requirement for cross section details is excessive and should be deleted.

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CRWQCB - DRAFT NPDES DAIRY PERMIT

2. Engineering Design

Question: How will residual solids after liquids have been removed, be estimated?

4. Engineering Report

- a. *Corrals and/or pens are designed and constructed to collect and divert all wastewater to the retention pond;*

Comment: For many old dairies extensive and costly modification may be required for a minimal benefit that can be attained by pumping. Recommend removing.

- b. *Manure and feed storage areas are designed and constructed to collect and divert runoff and leachate from these areas to the retention pond.*

Comment: This will involve looking at silage storage areas, etc. Many old dairies will have difficulty complying with this requirement for minimal benefit. Recommend removing.

ATTACHMENT F - Definitions

25. *"Surface water" ... Waters of the United States includes irrigation and flood control channels that exchange water with waters of the United States.*

Question: Would this include privately owned irrigation and flood control channels?

FACT SHEET

DAIRY WASTES - UCCC NUMBERS

COMMENT: These numbers are still preliminary in nature and the study is not yet complete. A statement clarifying that the current numbers are to be used for calculations until these numbers are approved should be included in the Fact Sheet with a warning of the potential impacts to calculations once these numbers are formally approved for use.

TITLE 27 - Groundwater Monitoring

Comment: The groundwater monitoring criteria is based solely on herd size. Possible suggestions would be to use the same size criteria but only target dairies located in specific Pesticide Management Zones (PMZs) as determined by the CA Department of Pesticide Regulation.

MONITORING AND REPORTING PROGRAM

Comments and recommended changes to the MRP are attached.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

MONITORING AND REPORTING PROGRAM NO. _____

GENERAL ORDER

FOR

EXISTING CONCENTRATED ANIMAL FEEDING OPERATIONS (MILK COW DAIRIES)

This Monitoring and Reporting Program (MRP) is issued pursuant to California Water Code (CWC) Section 13267. The Discharger shall not implement any changes to this MRP unless a revised MRP is issued by the Executive Officer. For purposes of evaluating compliance with Order No. _____, the Discharger shall conduct monitoring and reporting as specified below.

A. MONITORING PROVISIONS

Inspections

The results of all inspections described below shall be recorded and the records shall be maintained on-site for a period of five years.

1. The Discharger shall inspect the production area ~~weekly~~ semi-annually including all waste holding areas and note any changes that could result in discharges from property under the control of the Discharger.
2. Monthly and during each significant storm event, the Discharger shall make visual inspections of all storm water containment structures. These structures shall be inspected for discharge, freeboard, berm integrity, cracking, slumping, excess vegetation, burrowing animals, and seepage.
3. Freeboard shall be measured ~~weekly~~ monthly within each liquid manure storage structure using a depth marker. Freeboard shall be the vertical distance from the pond surface to the lowest elevation of the surrounding berm or the bottom of the spillway and shall be measured to the nearest 0.1 foot.

Manure and Process Wastewater Monitoring

4. The Discharger shall monitor all wastes produced at the facility including process wastewater and manure. Sufficient monitoring shall be performed to determine the nutritive and salt content of process wastewater and manure separately. Manure must be analyzed at least once annually for nitrogen and phosphorus content. Process wastewater samples shall be collected at the discharge location, prior to any dilution or addition of irrigation water, and shall be representative of the process wastewater applied to the cropland. Monitoring shall include, at a minimum, the following:

1 A significant storm event is defined as a storm event that results in continuous discharge of storm water for a minimum of one hour, or intermittent discharge of storm water for a minimum of three hours in a 12-hour period.

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 Waste Discharge Requirements General Order No. ____, NPDES No. ____
 Existing Concentrated Animal Feeding Operations (Milk Cow Dairies)

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Constituent	Units	Type of Sample	Minimum Sampling Frequency
Flow (wastewater)	acre-feet/day	Measurement	Each Event ¹
Weight ² (manure)	tons	Measurement	Each Event
Nitrate (N)	mg/l or mg/kg ³	Composite ⁴	Each Event
Ammonia (N)	mg/l or mg/kg	Composite	Each Event
Total Kjeldahl Nitrogen	mg/l or mg/kg	Composite	Each Event
Phosphorus	mg/l or mg/kg	Composite	Each Event
Total Dissolved Solids	mg/l or mg/kg	Composite	Each Event
Electrical Conductivity	umhos/cm	Composite	Each Event
pH	pH units	Composite	Each Event
General Minerals	mg/l or mg/kg	Composite	Each Event

¹ Flow and wastewater constituents shall be measured to gauge the hydraulic and nutrient application to the cropland during each irrigation event. Nutrient loading is to be consistent with the uptake capacity for the crop during the growing season. The wastewater application dates, total acre-feet of wastewater applied to each field, and concentrations of wastewater constituents shall be recorded for each application.

² Shall include moisture content.

³ Units are milligrams per liter (mg/l) for liquids and milligrams per kilogram (mg/kg) for solids.

⁴ A representative composite sample shall be prepared based on a minimum of three time-series samples collected during an irrigation event at representative locations of the beginning, middle, and end of the wastewater discharge. Due to the stratification of ponds, a time series composite is needed so that representative nutrient loading rates may be calculated.

⁵ General minerals include calcium, magnesium, sodium, potassium, bicarbonate, carbonate, sulfate, and chloride reported individually.

Monitoring results, including all laboratory reports, shall be included in the Annual Monitoring Report.

Soil Monitoring

- At least once every five years, commencing with the first full calendar year regulated by Order No. _____, the Discharger shall collect and analyze representative soil samples for phosphorus, nitrate, and ammonia, and total Kjeldahl nitrogen content from all fields where process wastewater, manure, or other process wastes will be applied. Monitoring results, including all laboratory reports, shall be included in the Annual Monitoring Report. Soil samples shall be collected and analyzed in accordance with the protocols identified pursuant to item 6 of Attachment C of Order No. _____

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 Existing Concentrated Animal Feeding Operations (Milk Cow Dairies)

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Discharge and Surface Water Monitoring

6. The Discharger shall record the date and the approximate time and volume of each discharge or storm-related discharge that results in off-property discharges of wastes or storm water that has commingled with process wastewater or manure, and the approximate duration and amount of wastes discharged. Such discharges shall be reported in accordance with Reporting Requirement B.1 or B.2 below as appropriate.
7. During or immediately after any overflow or other discharge of pollutants from a manure or process wastewater storage, retention pond, or land application area, whether or not authorized by this permit, the Discharger shall collect samples of the discharge and if the discharge is to surface water or a tributary to surface water, surface water upstream and downstream of the discharge. The Discharger shall record the estimated volume of the discharge and the date and time of the discharge. Field measurements and laboratory analyses of these samples shall include the following (as noted in the 31 December 2003 USEPA NPDES Permit Writer's Guidance Manual and Example NPDES Permit for Concentrated Animal Feeding Operations to comply with Title 40 CFR requirements for all NPDES):

Constituent	Unit	Type of Sample	Frequency
Volume	Gallons	Estimate	Daily
Temperature	Degrees	Grab - Field	Daily
pH	pH unit	Grab - Field	Daily
Electrical Conductivity	µmhos/cm	Grab - Field	Daily
BOD ₅ ¹	mg/l	Grab - Laboratory	Daily
Total Suspended Solids	mg/l	Grab - Laboratory	Daily
Total Coliform	MPN/100 ml	Grab - Laboratory	Daily
Fecal Coliform	MPN/100 ml	Grab - Laboratory	Daily
Ammonia-nitrogen (unionized)	mg/l	Grab - Laboratory	Daily
Nitrate-nitrogen	mg/l	Grab - Laboratory	Daily
Kjeldahl-nitrogen	mg/l	Grab - Laboratory	Daily
Phosphorus	mg/l	Grab - Laboratory	Daily
Total Dissolved Solids	mg/l	Grab - Laboratory	Daily

¹ Five-day Biochemical Oxygen Demand

² Five dilutions minimum

Note: If conditions are not safe for sampling, the Discharger must provide documentation of why samples could not be collected and analyzed. For example, the Discharger may be unable to collect samples during dangerous weather conditions

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(such as local flooding, high winds, tornados, electrical storms, etc.). However, once the dangerous conditions have passed, the Discharger shall collect a sample from the waste management unit from which the discharge occurred.

Storm Water Monitoring

8. During the first two years of the term of Order No. _____, the Discharger shall characterize the quality of storm water by conducting the following monitoring for any discharges of storm water from the production area to surface water:

a. Collect and analyze grab samples of discharges of storm water from at least two storm events per wet season. The first sample should be from the first storm of the wet season that produces significant storm water discharge and the second from a midseason storm that is preceded by at least three days of dry weather. The sample(s) should be taken during the first thirty minutes of the discharge. Samples must be representative of the quality and quantity of storm water discharged. The samples shall be analyzed for:

Constituents	Units	Station ¹	Sampling Frequency
Flow	Gallons/Day	TBA	Per Storm ²
Temperature	F	TBA	Per Storm
BOD	mg/l	TBA	Per Storm
Ammonia	mg/l	TBA	Per Storm
Total Kjeldahl Nitrogen	mg/l	TBA	Per Storm
Nitrate	mg/l	TBA	Per Storm
Total Dissolved Solids	mg/l	TBA	Per Storm
Electrical Conductivity	µmhos/cm	TBA	Per Storm
Turbidity	NTU	TBA	Per Storm
Rainfall	inches	TBA	Per Storm

¹ To be announced by the Discharger

² The Discharger shall sample two storms during the wet season where runoff occurs

- b. Conduct an annual inspection of the CAFD to identify areas contributing pollutants to discharges of storm water associated with the CAFD and to evaluate whether measures to reduce pollutant loadings are adequate and properly implemented or whether additional controls are needed. A record of the annual inspection must include the date, the individual(s) who performed the inspection, and their observations.

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- c. No less than twice during the dry season (May through September), observe and/or test for the presence of non-storm water discharges at all storm water discharge locations. At a minimum, a visual inspection shall be conducted to determine the presence of stains, odors, debris, or other conditions that may indicate a discharge.
- d. Conduct wet season (October through April) observation of all storm water locations during the first hour of the first storm event of the wet season that produces significant storm water discharge (continuous discharge of storm water for one hour or more) to observe the presence of floating and suspended materials, discolorations, turbidity, odor, etc.
- e. Report any event (i.e., overflows, spills, or leaks) during the year that could contribute pollutants to storm water runoff and modify the sampling plan for the most probable constituents expected.
- f. Record observations made under 8.b, 8.c, and 8.d above and include the observation results in the annual storm water report.
- g. Provide documentation in the annual storm water monitoring report (required in the Reporting Requirement B.5 below) if no significant discharges of storm water occur or if unable to collect any of the required samples or perform visual observations due to adverse climatic conditions.

Groundwater Monitoring

9. Biannual Quarterly monitoring of first encountered groundwater that will be used to determine compliance with the groundwater limitations of Order No. _____. Those Dischargers required to install monitoring wells in Order No. _____ shall install a minimum of three sufficient monitoring wells to characterize groundwater flow direction and gradient beneath the site and natural background (unaffected by the Discharger or others) groundwater quality upgradient of the facility and groundwater quality downgradient of the corrals, and retention ponds, and land application areas. It may be necessary to install more than one upgradient monitoring well (i.e., for the production area and the land application area). The Executive Officer may require more extensive monitoring based on site specific conditions. Monitoring shall include measurement of the depth to groundwater to the nearest 0.010 foot in each monitoring well, sample collection from all wells, and analysis of the samples for total coliform (MPN/100 ml), iron (mg/l), manganese (mg/l) and the same constituents that Monitoring Provision A.4 above requires for process wastewater electric conductivity (EC), total suspended solids (TSS), ammonia (NH₃-N), nitrite (as N), nitrate (As N), total Kjeldahl nitrogen (TKN) and total phosphorus.

A sufficient number of water supply wells shall also be included in the monitoring program to characterize the quality of water being used at the site.

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10. The Executive Officer may require groundwater monitoring at CAFOs other than those specified in Order No. _____ at any time. Such requirement may occur, for instance, if violations of this Order are documented, and/or the CAFO is located in a high risk area, i.e., where a sole-source aquifer is, or may be, impacted.
11. Prior to installation of monitoring wells, a Monitoring Well Installation Plan (MWIP) and schedule prepared under the direct supervision of, and certified by, a California registered civil engineer or geologist with experience in hydrogeology shall be submitted to the Executive Officer according to the Schedule of Task K.2 in Order No. _____. In addition to making the certification required in General Reporting Requirements G.10 of the Standard Provisions and Reporting requirements of Order No. _____, the registered professional preparing this report must make the following certification:
- "I certify under penalty of law that the monitoring well network proposed in this Monitoring Well Installation Plan has been ~~designed to provide early detection~~ information of impacts by CAFO facilities and operations on the quality of first encountered groundwater, downgradient of the corrals, retention ponds, and land application areas, and to characterize natural background groundwater quality (unaffected by the Discharger or other discharges)."*
12. All monitoring wells shall be constructed in compliance with Standard Provisions B.24 and B.25 of the Standard Provisions and Reporting Requirements (SPRR), which are attached to Order No. _____. The destruction of any monitoring wells or groundwater supply well shall be in compliance with Standard Provision B.24 of the SPRR.
13. Dischargers shall submit to the Executive Officer a Monitoring Well Installation Completion Report (MWICR) prepared under the direct supervision of, and certified by, a California registered civil engineer or geologist with experience in hydrogeology in accordance with the Schedule of Task K.2 in Order No. _____. In addition to making the certification required in General Reporting Requirements G.10 of the Standard Provisions and Reporting requirements of Order No. _____, the registered professional preparing this report must make the following certification:
- "I certify that the monitoring well installation network for this CAFO will provide early detection of impacts by this CAFO on the quality of first encountered groundwater downgradient of the corrals, retention ponds, and land application areas and that it is sufficient to characterize natural background groundwater quality (unaffected by the Discharger or other discharges)."*

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If the registered professional evaluating the initial data cannot make the above certification without data from additional wells, additional wells shall be installed until the registered professional can make this certification.

Operation and Maintenance

14. The Discharger(s) shall keep operation and maintenance records of activities conducted as part of the process wastewater and manure solids management at the facility. The Discharger(s) shall inspect any cropland on which process wastewater is applied ~~daily~~ during each irrigation event, and shall make records of those inspections. The operation and maintenance records shall include the following:

- a. Conditions of process wastewater and settling pond levels, and cropland berms, including recent holes, piping, and bank erosion;
- b. Identification of erosion, field saturation, runoff, or the presence of nuisance conditions in the cropland;
- c. Dates, location, and approximate volume of process wastewater irrigation;
- d. Dates, location, and approximate weight and moisture content of manure application to cropland;
- e. Weather conditions at the time of and 24 hours prior to and following waste application;
- f. Identification of crop, acreage, and dates of planting, and harvest;
- g. Steps and dates steps taken to correct unauthorized releases as reported in accordance with Reporting Requirement B for Discharge as a Discharge;
- h. Dates and descriptions of maintenance activities associated with berms or berms, repair and
- i. Each manure hauling event on a Manure Tracking Manifest form (Attachment E), which requires information on the manure hauler, destination of manure, dates hauled, and amount hauled, as well as certification.

The Discharger shall provide the information in c, d, e, f, g, and i above in each Annual Monitoring Report.

Record-Keeping Requirements

13. Dischargers shall maintain on-site for a period of five years all information required in Title 40 Code of Federal Regulations (CFR) Section 412.37(b) for the production area and in Section 412.37(c) for the land application area (see Attachment B of

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Order No. ____). Such information includes, but is not limited to, analyses of manure, process wastewater, and soil sampling. Analyses of discharges, surface water, storm water, and groundwater shall also be maintained on-site for a period of five years.

General Monitoring Requirements

~~16.15.~~ The Discharger shall comply with all the "Requirements Specifically for Monitoring Programs and Monitoring Reports" as specified in the Standard Provisions and Reporting Requirements.

~~16.15.~~ All analyses shall be conducted at a laboratory certified for such analyses by the California Department of Health Services. All laboratory analyses shall be conducted in accordance with the Title 40 CFR Part 136 (*Guidelines Establishing Test Procedures for the Analysis of Pollutants*) or other test methods approved by the Regional Board.

B. REPORTING REQUIREMENTS

Noncompliance Reporting

1. The Discharger shall report any noncompliance that endangers human health or the environment or any noncompliance with the Prohibitions A.1, A.2, A.3, A.5, A.7, A.8, and A.9 in Order No. _____ within 24 hours of becoming aware of its occurrence. The incident shall be reported to the Regional Board Office, local environmental health department, and to the California Office of Emergency Services (OES) within 24 hours from the time the Discharger becomes aware of noncompliance circumstances. During non-business hours, the Discharger shall leave a message on the Regional Board's voice mail. The message shall include the time, date, place, and nature of the noncompliance, the name and number of the reporting person, and shall be recorded in writing by the Discharger. The OES is operational 24 hours a day. A written report shall be submitted to the Regional Board office within five (5) business days of the Discharger becoming aware of the incident. The report shall contain a description of the noncompliance, its cause, duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the Discharger has taken or intends to take, in order to prevent recurrence. All intentional or accidental spills shall be reported as required by this provision. The written submission shall contain:

- a. The approximate date, time, and location of the noncompliance;
- b. A description of the noncompliance and its cause;
- c. The flow rate, volume, and duration of any discharge involved in the noncompliance;

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- d. The amount of precipitation (in inches) the day of the discharge and for each of the seven days preceding the discharge;
- e. A description (location; date and time collected; field measurements of pH, temperature, and electrical conductivity; sample identification; date submitted to laboratory; analyses requested) of noncompliance discharge samples and/or surface water samples taken upstream and downstream of the point of noncompliance discharge. The analyses required are specified in Monitoring Provision A.7.
- f. The period of noncompliance, including dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and
- g. A time schedule and a plan to implement corrective actions necessary to prevent the recurrence of such noncompliance.

The laboratory analyses of the noncompliance discharge sample and/or upstream and downstream surface water samples shall be submitted to the Regional Board office within 45 days of the discharge.

Discharge and Surface Water Reporting

- 2. The Discharger shall report any discharge from the production area or the land application area, whether authorized or not, within twenty-four hours of becoming aware of the discharge. The incident shall be reported to the Regional Board. During non-business hours, the Discharger shall leave a message on the Regional Board's voice mail. The message shall include the time, date, and place of the discharge, the name and phone number of the reporting person, and shall be recorded in writing by the Discharger. A written report shall be submitted to the Regional Board office within five (5) business days of the Discharger becoming aware of the incident. The report shall include:
 - a. The approximate date, time, location, and cause of the discharge, including a description of the flow path to any receiving water body;
 - b. The estimated flow rate, volume, and duration of the discharge;
 - c. The amount of precipitation (in inches) the day of the discharge and for each of the seven days preceding the discharge;
 - d. A description (location; date and time collected; field measurements of pH, temperature, and electrical conductivity; sample identification; date submitted to laboratory; analyses requested) of discharge samples and surface water samples taken upstream and downstream of the point of discharge if the discharge was to

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surface water. The analyses and provisions required are specified in Monitoring Provision A.7.

The laboratory analyses of the discharge sample and/or upstream and downstream surface water samples shall be submitted to the Regional Board office within 45 days of the discharge.

Annual Reporting

3. By 1 February of each year, an annual monitoring report for the previous year shall be submitted to the Executive Officer. The annual report shall be completed on an annual report form provided by the Executive Officer (available on the Regional Board website) and shall include all the information required in Title 40 CFR Section 401.42(c)(4) as specified below.
- a. Number and type of animals, whether in open confinement or housed under roof;
 - b. Estimated amount of total manure and process wastewater generated by the CAFD in the previous 12 months (tons/gallons);
 - c. Estimated amount of total manure and process wastewater transferred to other persons by the CAFD in the previous 12 months (tons/gallons);
 - d. Estimated amount of each type of chemical used in the production area in the previous 12 months;
 - e. Total number of acres and the Assessor Parcel Number for land application covered by the nutrient management plan;
 - f. Total number of acres and the Assessor Parcel Number under control of the CAFD that were used for land application of manure and process wastewater in the previous 12 months;
 - g. Summary of all manure and process wastewater discharges from the production area that have occurred in the previous 12 months, including date, time, and approximate volume; and
 - h. A statement indicating whether the current version of the CAFD's nutrient management plan was developed or approved by a certified nutrient management planner as specified in the Required Reports and Notices 1.3.b of Order No. _____

The annual report shall also include: copies of all manure tracking manifests for the reporting period; copies of all laboratory analyses of manure and process wastewater, soil, discharges, surface water, and storm water; and all other information required in Monitoring Provision A.14.a, d, e, f, g, and i above.

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Groundwater Reporting

ll report the results of all groundwater monitoring semi-annually. Monitoring reports shall be submitted by 1 February and 1 August all include all laboratory analyses and tabular and graphical monitoring data. Data shall be tabulated to clearly show the sample analyzed, constituent concentrations, detection limits, and depth to groundwater elevations. Graphical summaries of groundwater directions shall also be included. Each groundwater monitoring a summary data table of all historical and current groundwater vical results. The groundwater monitoring reports shall be ofina registered professional as specified in General Reporting of the Standard Provisions and Reporting Requirements of Order

Storm Water Reporting

5. The Discharger shall submit an annual report by 1 October of each year which details the Discharger's preparation for the upcoming wet season. The annual report shall include the results (including the laboratory analyses) of all samples of storm water, inspections and observations required in Monitoring Provisions A.8.a - g above, a summary of events during the year that contributed pollutants to storm water runoff

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"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

For facilities in Fresno, Kern, Kings, Madera, Mariposa, and Tulare counties, submit reports to:

California Regional Water Quality Control Board
Central Valley Region
1685 F Street
Fresno, CA 93706
Attention: Confined Animal Regulatory Unit

For facilities in Butte, Lassen, Modoc, Plumas, Tehama, and Shasta counties, submit reports to:

California Regional Water Quality Control Board
Central Valley Region
415 Knollcrest Drive, Suite 100
Redding, CA 96002
Attention: Confined Animal Regulatory Unit

For facilities in all other counties, submit reports to:

California Regional Water Quality Control Board
Central Valley Region
11020 San Center Drive #200
Rancho Cordova, CA 95670-6114
Attention: Confined Animal Regulatory Unit

ORDERED BY:

THOMAS R. PINKOS, Executive Officer

Date

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